

**ZB# 92-16**

**Seymour Borden**

**35-1-54.1**

#92-15 - Borden, Seymour -  
(Carpet Mill Outlet)

Prelim:

May 11, 1992.

Need Motion to  
Sched. P.H.

① Copy of Deed

② " Title Report

③ Photos ✓

④ Checks ✓ ① 250.00  
250.00

⑤ OCPD ~~to be here~~ ✓  
notified on 5/18/92.4

PIA 6/8/92

Area variance  
Granted P.H.  
6/22/92 continued

• Attorney's Time:

2.7 hrs.

MADE IN U.S.A.

NO. 753 1/3

Total due \$231.50

**Oxford**®

⊗ ESSELTE

Paid

CK # 223

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

# GENERAL RECEIPT

12771

July 21, 1992

Received of Torai Gordon

\$ 150.00

One hundred fifty and  $\frac{00}{100}$  DOLLARS

For Variance fee (# 92-16)

## DISTRIBUTION

FUND	CODE	AMOUNT
CHECK # 214		\$ 150.00

By Pauline S. Towne

Town Clerk

Title

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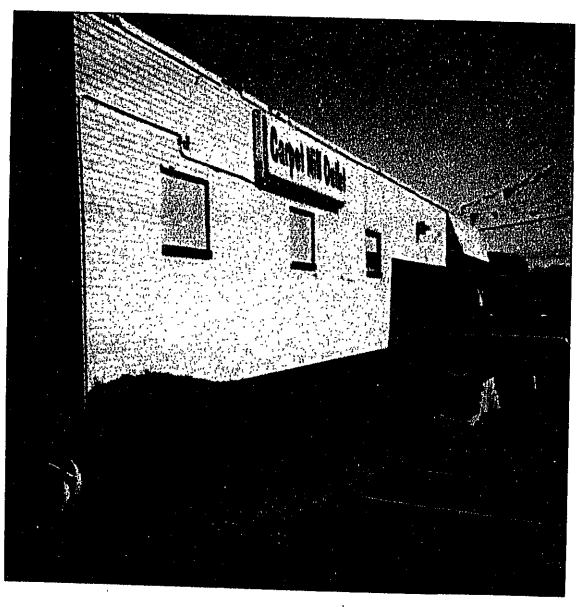
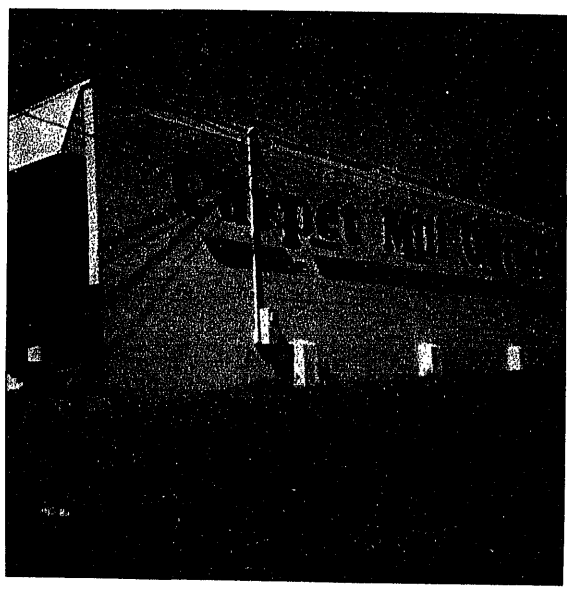
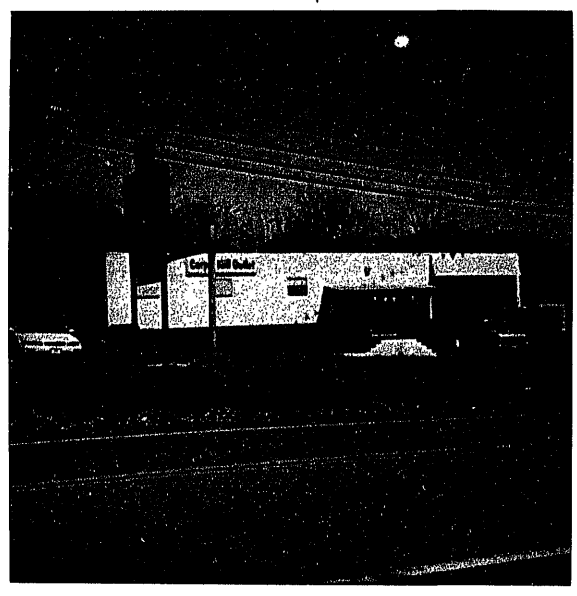
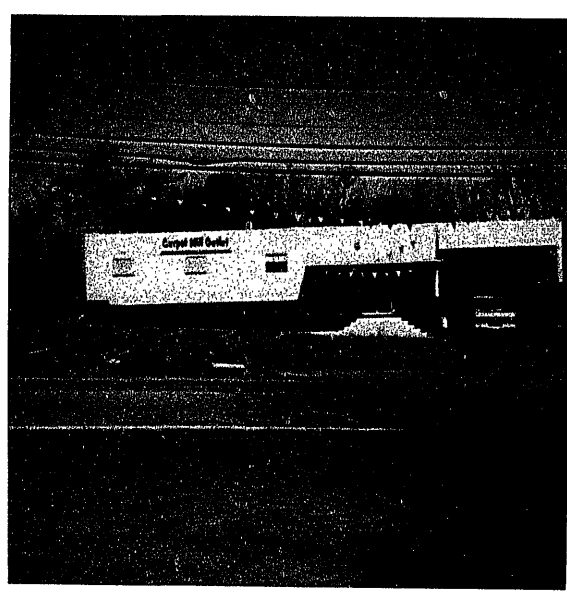


Check # 173 - De

FUND	CODE	AMOUNT
Clock # 214		\$150.00

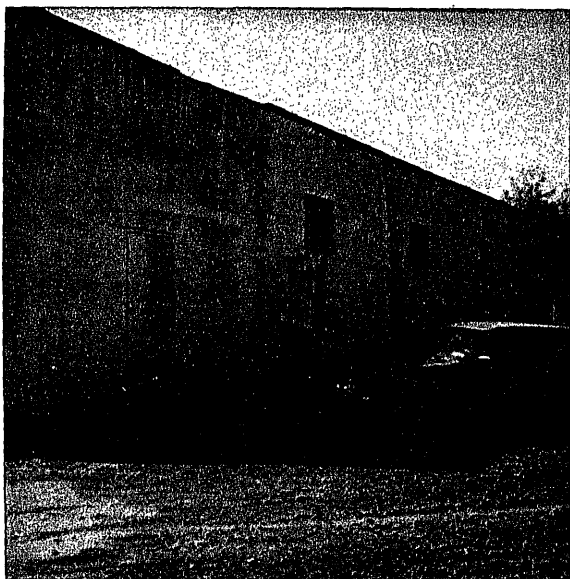
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By Pauline S. Towne  
Town Clerk  
Title





92-16 - Borden, Aquin  
(Carpenter Mill Outlet)



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Carpet Mill Outlet (Bordon-Seymour) FILE # 92-16

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE . . . . . \$ 150.00 pd.  
\* \* \* \* \* Ck # 214  
5/14/92

ESCROW DEPOSIT FOR CONSULTANT FEES . . . . . \$ 250.00 pd.  
Ck # 215  
5/14/92

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE 5/11/92 - 10 pages . . . \$ 45.00  
2ND PRELIM. MEETING - PER PAGE 6/8/92 - 5 " . . . \$ 22.50  
3RD PRELIM. MEETING - PER PAGE 7/22 - 2 " . . . \$ 9.00  
PUBLIC HEARING - PER PAGE . . . . . \$ \_\_\_\_\_  
TOTAL . . . . . \$ 76.50

ATTORNEY'S FEES:

PRELIM. MEETING - .4 HRS. . . . . \$ \_\_\_\_\_  
(2) 2ND PRELIM. P.H. .7 HRS. . . . . \$ \_\_\_\_\_  
3RD PRELIM. 1.6 HRS. . . . . \$ \_\_\_\_\_  
FORMAL DECISION 1.6 HRS. . . . . \$ \_\_\_\_\_  
TOTAL HRS. 2.7 @ \$ 150.00 PER HR. \$ 405.00  
TOTAL . . . . . \$ 405.00

MISC. CHARGES:

\_\_\_\_\_ . . . . . \$ 481.50  
TOTAL . . . . . \$ \_\_\_\_\_

LESS ESCROW DEPOSIT . . . \$ 250.00  
(ADDL. CHARGES DUE) . . . \$ 231.50 due  
REFUND TO APPLICANT DUE . \$ \_\_\_\_\_  
Pau  
Ck # 2  
7/10

TERRI E. BORDEN  
SEYMOUR BORDEN  
84 SYCAMORE DR.  
MIDDLETOWN, NY 10940

*Black acct*

*MD*

223

*7/10 1992*

50-7209/2219



*Town of New Windsor*

\$ 231.50

*Two hundred thirty-one <sup>50</sup>/<sub>100</sub>*

~~DOLLARS~~



**First Federal Savings**  
and Loan Association of Middletown  
Orange Plaza, Route 211 East, Middletown, NY 10940

MONEY MARKET PLUS ACCOUNT

*Mem #92-16*

*Terri E. Borden*

⑆221972098⑆ 92 023001⑆

0223

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: *Carpenter Mill Outlet (Borden, Seymour)*

FILE # *92-16*

RESIDENTIAL: \$50.00

COMMERCIAL: (\$150.00)

(914)563-4630

Date: 7/27/92  
FAX: 914-563-4693

*Carpet Mill Outlet -*

RE: ZONING BOARD OF APPEALS - APPLICATION # 92-16.

Dear ZBA Applicant:

After computation of the consulting fees that were posted with your application before the Zoning Board of Appeals, the Board found that there are additional fees due and owing in the amount of \$ 231.50. (A copy of the computation list is attached).

In order to obtain a copy of your formal decision, this amount will have to be paid immediately.

Please forward a check in the above amount and I will be happy to furnish an executed copy of the formal decision.

Very truly yours,



PATRICIA A. BARNHART, Secretary  
Zoning Board of Appeals

/pab

Attachment

(ZBA DISK#7-031292.FEE)

**TERRI E. BORDEN  
SEYMOUR BORDEN**  
84 SYCAMORE DR.  
MIDDLETOWN, NY 10940

NO. 214  
5/14 1992 50-7209/2219

**Pay to the ORDER OF** Town of New Windsor \$ 150.00

One hundred fifty <sup>00</sup>/<sub>100</sub> **DOLLARS**

**First Federal Savings**  
and Loan Association of Middletown  
Orange Plaza, Route 211 East, Middletown, NY 10940

Attor. Terri E. Borden

⑆221972098⑆ 92 023001⑆ 0214

**TERRI E. BORDEN  
SEYMOUR BORDEN**  
84 SYCAMORE DR.  
MIDDLETOWN, NY 10940

NO. 215  
5/14 1992 50-7209/2219

**Pay to the ORDER OF** Town of New Windsor \$ 250.00

Two hundred fifty <sup>00</sup>/<sub>100</sub> **DOLLARS**

**First Federal Savings**  
and Loan Association of Middletown  
Orange Plaza, Route 211 East, Middletown, NY 10940

Attor. #92-16. Terri E. Borden

⑆221972098⑆ 92 023001⑆ 0215

NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of  
SEYMOUR BORDEN/CARPET MILL OUTLET

DECISION GRANTING  
AREA VARIANCE

#91-16

-----X

WHEREAS, SEYMOUR BORDEN, 84 Sycamore Drive, Middletown, New York 10940, has made application before the Zoning Board of Appeals for a 15.07 ft. building height variance in order to construct an addition to the Carpet Mill Outlet, located at 294 Windsor Highway, New Windsor, N.Y., which property is located in a C zone; and

WHEREAS, a public hearing was held on the 8th day of June, 1992 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York. The public hearing was adjourned to and continued on June 22, 1992 to allow 30 days for the Orange County Department of Planning and Development to comment and to permit a second publication and mailing due to a possibly misleading statement concerning the extent of the height variance in the first legal notice; and

WHEREAS, applicant, SEYMOUR BORDEN, appeared in behalf of himself together with John Esposito, Manager of the Carpet Mill Outlet, who spoke in support of the application; and

WHEREAS, there were no spectators present at the public hearing; and

WHEREAS, the ZBA received correspondence from one neighboring property owner, Agnes Cavalari, who was in favor of granting the variance, and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations pertaining to building height in order to construct an addition to the existing structure which presently houses a carpet warehouse and retail store in a C zone.

3. The evidence presented by applicant substantiated the

fact that a variance for more than the allowable building height would be required in order to allow construction of the addition which otherwise would conform to the bulk regulations in the C zone.

4. The evidence presented on behalf of the applicant indicated that he would suffer significant economic injury from the strict application of the bulk regulations concerning building height because the carpet material that is supplied comes in 15 ft. width and in order to display the material for selling purposes, an addition must be constructed which is higher than the existing warehouse height. If applicant were to construct an addition which would fall within the height regulations of the building code he would have an addition which would not be feasible considering the nature of the business.

5. The evidence presented by the applicant further indicated that 15 ft. wide carpet rolls have become the industry standard. Thus, the applicant seeks to utilize the typical warehouse height required by the current standards in the carpet industry.

6. Although the variance request for a 15.07 ft. building height variance, which seems substantial, this Board was advised by the applicant that he really only seeks to raise the roof height by two feet.

7. This Board has considered the fact that the present building was constructed in 1965 prior to the adoption of the Zoning Local Law of the Town of New Winsor. Consequently the present property is deficient by current zoning local law bulk requirements in lot area, lot width, front yard and side yard/total side yards. Each of these are deficient but are pre-existing and non-conforming.

8. Since the maximum building height is calculated based upon the distance to the nearest lot line which is only 5.3 feet, the increase in the building height of two feet creates the need for a seemingly disproportionate 15.07 ft. building height variance.

9. This Board has considered the alternatives available to the applicant other than the variance procedure and finds that they would be uneconomic. The applicant cannot lower the floor because that would require that there be a ramp or stairs between the warehouse areas with two different heights. As a practical matter, the warehouse floor needs to be all on one level and the existing floor level of the present building determines that level.

10. It is the finding of this Board that the applicant has made a sufficient showing of practical difficulty, entitling him to the requested area variance.

11. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

12. There is no other feasible method available to applicant which can produce the benefit sought results other than the variance procedure.

13. The requested variance is not substantial in relation to the bulk regulations for building height, given the fact that the 5.3 ft. distance to the property line creates the need for a 15.07 ft. variance when the actual increase in building height is only two feet.

14. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

15. The difficulty the applicant faces in conforming to the bulk regulations is not self-created.

16. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

17. It is the further finding of this Board that the requested area variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

18. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

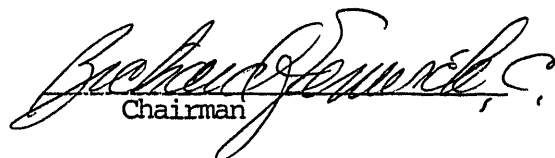
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 15.07 ft. building height variance to allow construction of an addition to the existing building in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: July 27, 1992.

(ZBA DISK#8-053085.FD)

  
Chairman



Date ..... 7/13/92 ....., 19.....

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12550**

TO Frances Roth 389 Moores Ht Rd DR.  
New Windsor NY 12550

DATE		CLAIMED	ALLOWED
7/32/97	Zoning Board Meeting	75 00	
	Minutes - 4 pgs	184 50	
	Anderson - 20 pages	259 50	
	Sorkello - 5 "		
	Pinkert / Dickman - 6 "		
	Borden - 2 " 9.00		
	Reed - 5 " <i>Richard Jensen, C.</i>		
	22.50		

PUBLIC HEARING: BORDEN, SEYMOUR/CARPET MILL OUTLET:

MR. FENWICK: This is the second public hearing due to flaw in legal notice. Request for 15.07 foot building height variance to construct addition to store located on Windsor Highway in a C zone.

John Esposito came before the Board representing this proposal.

MR. FENWICK: You're going to have to go through it again for the record exactly what it is you want.

MR. LUCIA: Why it is the zoning ordinance now applies to your building height is causing you significant economic injury.

MR. ESPOSITO: In brief, the material that we supplied comes in 15 foot width. Any way of displaying it other than our warehousing it other than the higher ceilings is just not feasible and it's common amongst the industry to do it this way and that is it basically. I know I went into a little more detail last time but I don't think you want to.

MR. TORLEY: It's in the minutes.

MR. LUCIA: The height you are proposing is a typical warehouse height by current building standards?

MR. ESPOSITO: It wasn't always but now they are making wider and wider carpet.

MR. FENWICK: Any other questions from the Members of the Board?

MR. NUGENT: We have heard it three times already.

MR. LUCIA: I think there was a note in the file in the back of the legal notice from a neighbor.

MR. FENWICK: We have something written on the back. Please note that we are in favor of the above application. The expansion is in the economic interest of the town and will not violate the spirit of the zoning code and that is signed by Agnes Cavalari, 283

June 22, 1992

35

Windsor Highway. Sounds like across the street.

The other one is from the Orange County Department of Planning and Development. The comments are there are no significant intercommunity or countywide concerns to bring to your attention.

Any other comments from the Members of the Board? Is there anything else we should know about this?

MR. TANNER: I'll make a motion to approve the variance.

MR. KONKOL: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye



MARY MCPHILLIPS  
County Executive

Rec'd. ZBA  
6/11/92 (PAB)

Department of Planning  
& Development

124 Main Street  
Goshen, New York 10924  
(914) 294-5151

PETER GARRISON Commissioner  
VINCENT HAMMOND Deputy Commissioner

ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT  
239 L, M or N Report

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by Town of New Windsor D P & D Reference No. NWT 13 92 M  
County I.D. No. 35 / 1 / 54.1

Applicant Seymour Borden - Carpet Mill Outlet

Proposed Action: Area Variance - Construction of Addition - Height Variance

State, County, Inter-Municipal Basis for 239 Review Within 500' of NYS Rte. #32

Comments: There are no significant Inter-community or Countywide concerns to bring to your attention.

Related Reviews and Permits \_\_\_\_\_

County Action: Local Determination XX Disapproved \_\_\_\_\_ Approved \_\_\_\_\_

Approved subject to the following modifications and/or conditions: \_\_\_\_\_

6/9/92

Date

*Vincent Hammond*

Rec'd. 6/17/92.  
ZBA (PMB)

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals  
of the TOWN OF NEW WINDSOR, New York will hold a  
Public Hearing pursuant to Section 48-34A of the  
Zoning Local Law on the following proposition:

Appeal No. 16

Request of SEYMOUR BORDEN/CARPET MILL OUTLET

for a VARIANCE of

the regulations of the Zoning Local Law to  
permit construction of addition requiring 15.07 ft.  
building height variance;

being a VARIANCE of

Section 48-12 - Table of Use/Bulk Regs.-Col. I

for property situated as follows:

294 Windsor Highway, Route 32, New Windsor, N. Y.

known and designated as tax lot Section 35-Blk. 1-Lot 54.1.

SAID HEARING will take place on the 22nd day of  
June, 1992, at the New Windsor Town Hall,  
555 Union Avenue, New Windsor, N. Y. beginning at  
7:30 o'clock P. M.

RICHARD FENWICK  
Chairman

6/15/92

Dear Mr Fenwick.

Please note we are in favor of the above application. The expansion is in the economic interest of the town and will not violate the spirit of the zoning code

Sincerely

James Gualary  
by ~~James Gualary~~ for  
983 Wmndw Hwy  
new Wmndw hq

Date ..... 6/15/92 ....., 19.....

## TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12550**

TO Frances Ruth 359 Moores Hill Rd DR.  
New Windsor, NY 12553

DATE		CLAIMED	ALLOWED
6/8/92	New Windsor Zoning Board	75 00	
	Reed - pgs - 5 pgs		
	Fitzgerald - 4 pgs		
	Borden - 5 pgs		
	Andoam - 15		
	Bonet - 5		
	<del>PAID</del> -		
		225 00	

STATE OF NEW YORK,  
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here

*Francis P. [Signature]*

No. ....

Town of New Windsor

Nature .....

Amount Claimed \$ .....

Amount Allowed \$ .....

Filed .....

I hereby certify that at a meeting of  
said Town Board held at the office of the  
Town Clerk on the ..... day

of ....., 19.....

the within claim was audited and allowed

for the sum of

\$ .....

Clerk



June 8, 1992

10

BORDEN, SEYMOUR

MR. FENWICK: Referred by the Planning Board. Request for 15.07 ft. building height variance to construct addition to store located on Windsor Highway in a C zone.

Mr. John Esposito came before the board representing this proposal.

MR. LUCIA: You're allowing him to proceed with this application?

MR. BORDEN: Yes.

MR. FENWICK: Anyone with reference to the Borden property? Basically you're going to present the same case that you did at the preliminary meeting.

MR. ESPOSITO: Basically the reason we need 2 foot height variance as it states is carpets coming in wider, it's hard any other way to display the carpet other than having the height of 16 feet. The industry is such that the best way to display this is having that height. We've done it for years, we've tried other ways, it just doesn't, nothing really works, nothing really good and now if you go into many carpet stores, you'll see that the way we're doing it is common throughout the carpet industry and that's basically our situation here.

MR. LUCIA: You mentioned 2 foot height variance, I think what you mean you need an additional 2 feet but I think legally it creates a need for a 15.07 foot height variance?

MR. ESPOSITO: Yes.

MR. LUCIA: I think that 2 foot apparently got repeated in the legal notice unfortunately so I'm not sure exactly how people reading that notice would have viewed it but I think they may well have viewed an application for 2 foot height variance differently than an application for an application for a 15 foot height

June 8, 1992

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variance. As it happens, all the board will not be able to vote on your application tonight because there was a County referral needed under Section 239 M, the County has not yet replied and by law this board is bound to give them 30 days to reply before we can vote so we're going to have to adjourn until the next meeting. Just to make sure the record is clear since we have to adjourn I'm going to suggest that we republish with the correct height because I really would feel badly if somebody said gee, if I knew it was 15 feet, I would have said something. Two foot I would have let it go. It should not delay you any because we have to put it over in any case.

MR. ESPOSITO: The 15 would that not leave them, wouldn't that sound a little odd to them? Wouldn't that make them think that we're going up 15 feet higher than we are now?

MR. LUCIA: It may, the function of any public notice basically is to advise the public if they have an objection they can come and hear the application and at that point you can explain that it really is effectively a 2 foot increase. It's not 15 feet off the ground. The 15 feet is generated by wording in the zoning ordinance but I think your protecting yourself by publishing the public notice for adjourned hearing and it's not going to delay you because this board can't vote on it tonight.

MR. FENWICK: How many people did you send to?

MR. ESPOSITO: Twenty seven, one neighbor approached me and she had grasps of exactly what we want. One neighbor said she new what we meant, she knew we were going up 2 feet. I don't know if that means that the message is clear or if you want to change to 15, 7 or 12.

MR. LUCIA: I would feel more comfortable with it because if it were real close I wouldn't be concerned but since it's a substantial difference between 2 feet and 15 feet it might well give rise to a claim somebody was misled.

June 8, 1992

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MR. ESPOSITO: County has a legal right of 30 days.

MR. LUCIA: County under General Municipal Law has 30 days in which to respond they were notified on May 18 so this board could not vote before June 18, the earliest unless the County responded prior to that.

MR. ESPOSITO: We're going to have to send out letters again?

MR. LUCIA: No, no new letters. Yes, okay, I suggest you do it and just say notice of adjourned hearing to our next meeting date which is June 22.

MR. FENWICK: Should we continue on with the public hearing and then find out what happens?

MR. TORLEY: Would it not be sufficient to re-publish the notice in the paper saying that it was 17 rather than having him send out the letters?

MR. LUCIA: It's regular mail.

MR. BABCOCK: It's for your own best interest nobody can ever contest that it is done wrong.

MR. ESPOSITO: Our problem is the Resnicks situation is closing.

MR. BORDEN: Resnicks is closing, we have no place to put the carpet.

MR. BABCOCK: This is not going to delay you one bit.

MR. LUCIA: We could not vote tonight even if this were not a problem.

MR. TORLEY: We understand if you have a 16 foot roll it has to be 16 feet high.

MR. ESPOSITO: Fifteen is what it is but you need for fire and so forth, so that's where that stands.

June 8, 1992

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MR. FENWICK: We're going to pursue the public hearing right now so stay here and what we're going to do this has become part of the record where we question you to republish to your mailing, a new mailing and republish in the paper as far as additional fees or anything else there isn't any.

MR. LUCIA: I just have a couple questions. Thank you for submitting the deed and title policy. Mr. Borden provided that. Mr. Borden, thank you for the deed and title policy. The notice refers to certain covenants and restriction which effect the property but they're not completely spelled out. Is there anything to your knowledge in those covenants, restrictions of record in the title to this property which would prohibit you from doing what this application now seeks?

MR. BORDEN: No.

MR. LUCIA: One other question I had just kind of curiosity in schedule B item 9 turned out a declaration of condominium supposedly recorded in Liber 2004, page 657. Was there a condo declaration filed on this property?

MR. BORDEN: No, not to my knowledge.

MR. LUCIA: Mr. Esposito, on the height variance, the last time you were here we talked about how that 15.7 feet was computed. You may recall we referred you to the definition of the code and the site plan referred to a height above finished floor. Are those one in the same?

MR. ESPOSITO: They are, I checked that out.

MR. LUCIA: Fine. I have no further questions.

MR. FENWICK: Any questions from the members of the board? At this time, I'll open it up to the public. Any comments on Mr. Borden's property? Now I'll close it to the public, back up to the members of the board.

MR. NUGENT: I make a motion we adjourn for notice

June 8, 1992  
from the County.

14

MR. TANNER: I'll second it

ROLL CALL

MR. NUGENT	AYE
MR. TANNER	AYE
MR. TORLEY	AYE
MR. KONKOL	AYE
MR. FENWICK	AYE

MR. LUCIA: Adjourned to June 22.

MR. BORDEN: Newspaper and mail?

MR. FENWICK: Please get that out as soon as possible.

MR. LUCIA: There's a ten day notice requirement.

Date 6/13/92, 19.....

TOWN OF NEW WINDSOR

(7)

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12550

TO Frances Roth 38a Moores Hill DR.  
New Windsor, Ny 12553

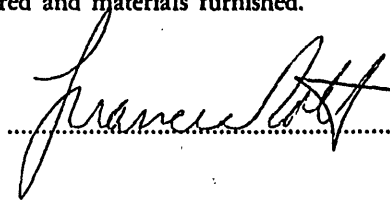
DATE			CLAIMED	ALLOWED
5/11/92	Zoning Board Meeting		75	00
	Misc - 1			
	De Dominicis - 1			
	Mugnano - 8 pgs			
	Bonet - 11 pgs			
	Fitzgerald - 6			
	Shupe - 3			
	De Cauto - 8			
	Borden - -10	45.00		
			291	00

STATE OF NEW YORK,  
TOWN OF NEW WINDSOR

ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No. ....

Town of New Windsor

Nature .....

Amount Claimed \$ .....

Amount Allowed \$ .....

Filed .....

I hereby certify that at a meeting of  
said Town Board held at the office of the  
Town Clerk on the ..... day  
of ....., 19.....

the within claim was audited and allowed  
for the sum of

\$ .....

Clerk

May 11, 1992

39

**BORDEN, SEYMOUR**

MR. FENWICK: Referred by the Planning Board. Request for 15.07 ft. building height for addition to existing building located on Windsor Highway in C zone.

John Esposito came before the Board representing this Proposal.

MR. ESPOSITO: Mr. Borden is on vacation so I took over and we both think it's foolish for him to come in now. I'm a little more familiar with it.

MR. FENWICK: Is he the owner?

MR. ESPOSITO: Yes, he is.

MR. LUCIA: It's fine if you are most familiar with it. We'll need a written authorization from Mr. Borden.

MR. BORDEN: I'm here now.

MR. LUCIA: Since you were on the record, you're authorizing Mr. Esposito to present your application and if the board should set him up, you're authorizing he board to bring him back for the public hearing representing your proposal at the public hearing.

MR. ESPOSITO: To my knowledge, the only problem we have is a height variance. Do you want to see the papers?

MR. FENWICK: Yes, please.

MR. BABCOCK: They're going directly out the back with an addition because of the contour of the land, they're raising the roof height 2 feet on the addition. They're too close to the property line for the, it's pre-existing so they can't go higher. If they continue the height of the building, they'd be okay but since they're going 2 foot higher, they're requiring a variance.

MR. LUCIA: Building is pre-existing?



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MR. BABCOCK; Yes.

MR. LUCIA: I notice the surveyor refers to all this as existing, I assume he meant pre-existing.

MR. BABCOCK: Right.

MR. LUCIA: Do you know when the building was constructed.

MR. ESPOSITO: We believe 1967.

MR. BORDEN: '65 I think.

MR. FENWICK: Due to the character of the contour of the land, that's the reason why this has to go 2 foot higher?

MR. ESPOSITO: No, actually that's one reason. It's also beneficial for carpet to have a higher ceiling, the ceiling now works but you have to be careful whereas the lighting is lower and 16 foot makes it just much better. Other than that I think like this gentleman said, I think everything is existing, pre-existing.

MR. LUCIA: Also note on the applicant's map it shows that 16.6 feet he refers to it as above the finished floor as long as that measurement is standard, I have no problem with it. He just specifies something that isn't usually specified. I have no problem with it. I just pointed out because I noticed it on the survey.

MR. FENWICK: So part of this you're going to be cutting into the hill down there?

MR. ESPOSITO: This is true, this is correct in one small section I believe an 8 foot vertical cut out.

MR. TANNER: The existing ceiling, the existing section is 14 feet high?

MR. ESPOSITO: The existing ceiling is 14 feet high.

MR. TANNER: And you're going to 16 feet in the --

MR. BABCOCK: I think the reason for the above finished floor is because of the contours here. I don't know where you would take the, I guess he'd have to come up with an average elevation. What we're saying is that it's 2 feet higher than the existing. If he maintained the existing height, we wouldn't have a problem as far as I understand since he's 2 feet that's what we're here for now. It goes back since he's only 5 foot 3 off the property line, he goes back to that.

MR. LUCIA: The only reason I raise it is you might just have the architect or planner whoever did those maps doublecheck the computation because the board only reacts to the data that you submit so since he's qualified that building height figure just determine that really is the proper figure for which you should seek a height variance.

MR. ESPOSITO: Talking about 16'8", is that what we're discussing?

MR. LUCIA: What I am trying to determine is that the proper measure under the zoning ordinance for what it is you need for a height variance. In other words, we need to be talking apples and apples and if that is something other than the height measurement contemplated by the zoning ordinance, your professional should change it so that you're covering yourself and we're granting you a variance on accurate figures.

MR. BORDEN: I believe it's supposed to be 16 foot inside measurement and the 7 inches is the thickness of the ceiling with the insulation.

MR. ESPOSITO: Yeah, you're asking whether or not it's from the ground or from the actual concrete?

MR. LUCIA: Whether it's measurement contemplated by the zoning ordinance in measuring height.

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MR. BABCOCK: It is.

MR. ESPOSITO: So what how would I word this to him?

MR. BABCOCK: It's got to be the vertical distance measured from the average elevation from the finished grade along the side of the structure fronting the nearest street to the highest point. It's the average elevation of the building, if it's 3 foot out of the ground and ten foot over there, you take an average. It's from the floor.

MR. TORLEY: Definition is 40-37.

MR. LUCIA: We just need to get numbers right.

MR. BABCOCK: If anything it's going to be less because you're in the ground.

MR. TORLEY: He's being cautious by giving the finished floor.

MR. LUCIA: Maybe it will obviate the need for a variance if he cuts it down enough or might reduce your need for a variance.

MR. TANNER: If you back in the ground it might.

MR. BABCOCK: It's still 2 foot higher than the building that's there, see that's what we went by you know even if he was completely underground, he's still 2 foot higher than he's allowed to have.

MR. FENWICK: Side yard is too close anyway.

MR. BABCOCK: Now you go back and calculate the side yard of today's code, you allow four inches to the foot.

MR. FENWICK: Okay.

MR. BABCOCK: We discussed with the applicant about lowering the floor because that's a possibility but then he's got a ramp or set of stairs that he's got to

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climb to go from warehouse to warehouse.

MR. FENWICK: That's something that should be brought out at the public hearing as the reason for doing this.

MR. ESPOSITO: Yeah, I think I was at 2 preliminary hearings, workshops and I discussed that.

MR. BABCOCK; You need to explain it to this board.

MR. FENWICK: Are we all set here? Anymore questions? Do you want to read him the act one more time?

MR. LUCIA: You're applying for an area variance, that requires a showing of practical difficulty on your part so this board can grant you the area variance you're seeking, you need to establish that by showing something called significant economic injury from the application of the ordinance to your lot, that's comparing the cost of the parcel with the value as is presently zoned. If you cannot economically expand your warehouse without the variance that's relevant to it, show why it is you need the additional warehouse and why if that warehouse area conformed to the zoning ordinance it just wouldn't be economically useful, it's too short and can't get in carpet. That's the business you're in, an economic problem there. Also as part of that show us why it is you can't get by with a lesser variance, if you are bound by the minimum rules that's something that's an industry standard that you have and if you would when you come back bring us some photographs of the site, copy of your deed and title policy. Also we'll need 2 checks to the Town of New Windsor, one for \$50 for an application fee and second one for \$250 for deposit against town consultant fees and various disbursements the town has with the application.

MR. BORDEN: Is this in addition to 2 checks we already gave you?

MR. FENWICK: Yes.

MR. ESPOSITO: In addition to them?

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MR. FENWICK: Yes.

MR. LUCIA: We need County referral since you're on 32 that's not for you just for the record so we remember to send out the notices.

MR. ESPOSITO: Now when you say present do you mean in writing or verbally when I come up here on the second?

MR. LUCIA: Verbally is fine. We really do not have to have writing, you'll cover it in your application. There's a written version of it there, but the board needs to hear it from you verbally at the public hearing once again so you'll write it in the application and present it verbally at the public hearing.

MR. ESPOSITO: Okay so it should match?

MR. FENWICK: Yes.

MR. ESPOSITO: You'll ask me the question and I'll answer it?

MR. LUCIA: Sure.

MR. ESPOSITO: Okay.

MR. BORDEN: When does this all take place?

MR. LUCIA: Depends how soon you come back with the application. Once that comes in then we can set a date for the public hearing. Even if everything goes like clockwork you're not going to wind up with a variance before two months would be the earliest.

MR. BORDEN: That's an economic hardship.

MR. ESPOSITO: Two months before we end up with a variance?

MR. LUCIA: Right.

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MR. TANNER: Then they'll still have to come back to the Planning Board.

MR. BABCOCK: What my opinion is is that they can request to be on if they get an approval at the public hearing, even though the formal decision isn't written they can request to be on the agenda. They should try to coordinate the agendas so that when you leave here you're going right to the Planning Board the next step. I don't think we're going to have a meeting on Memorial Day, I won't be here. June 8 is the next meeting you know if you have your paperwork done and submitted to Patty by, ten days before then.

MRS. BARNHART: A lot longer than that, it's got to be in the newspaper ten days.

MR. BABCOCK: Start tomorrow. Once you get that you can request to be on the next agenda for the Planning Board.

MR. ESPOSITO: Do we go back to the Planning Board for the public hearing?

MR. LUCIA: Separate public hearings. This board has to conduct a public hearing on the variance application, the Planning Board may or may not conduct a public hearing depending on what it is you're applying for there. You need to exhaust this avenue with the Zoning Board before you can go back to the Planning Board.

MR. ESPOSITO: And?

MR. LUCIA: And then you submit your application if it's in time I guess it's conceivable you could be on the next Zoning Board public hearing which would be June 8 depending on how quickly you get your application back to this board and if there's a slot available on June 8 agenda but even after that if the board grants you a variance June 8 then we still have a formal decision depending on when minutes are available that might be the next meeting or second meeting after June 8.

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MR. TORLEY: We couldn't take final action June 8 because we have the 30 days.

MR. LUCIA: Unless they reply.

MRS. BARNHART: I call them all the time and try to push them a little, sometimes it works.

MR. BABCOCK: I'd like to see if we can find if Dan can find out if this exact plan is being sent there by the Planning Board.

MRS. BARNHART: Doesn't matter.

MR. BABCOCK: It's the same plan.

MRS. BARNHART: They ask us for an application, they want to know what he wants from the Zoning Board as to variances. It's a different referral sheet altogether, same plan but we still have to send it out to them.

MR. BABCOCK: I think that that's ridiculous myself but.

MR. LUCIA: Hopefully the same planner will review it.

MR. ESPOSITO: Who's notified of the public hearing?

MR. LUCIA: You'll have to get a list from the town assessor which will give you a list of the adjacent nearby property owners.

MR. ESPOSITO: I'll get a list.

MR. LUCIA: You'll have to obtain the list.

MRS. BARNHART: Read everything that's in here, this is a procedure. You're getting ahead of yourself. REad this whole thing so you can know what steps you have to take.

MR. BORDEN: I heard you say something about 500 feet, is that on the other side of the street as well?

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MR. LUCIA: Yes, 500 feet radius from all your property lines.

MR. BORDEN: We have some homeowner's who object to anything that happens.

MR. LUCIA: They'll be here.

MR. ESPOSITO: If someone is not happy with this, can it shut it down?

MR. LUCIA: It depends on how relevant their arguments are. Just as you must speak to significant economic injury, they must speak to the same issue so if the neighbors show up and basically they just don't like anything commercial within 500 feet of their residence that's not an argument the Zoning Board has to give any zoning weight to. It's a neighbor's argument but it's not something that speaks to the relevant zoning law so if they come up with an argument that says he hasn't considered there's an economic way of doing this, buy half size carpet rolls, if that's a conceivable way of doing it without a variance that's relevant. But they have to speak to the same issue, they come up with something relevant the board would consider it but if it's basically just we don't like it, that's not an issue.

MR. FENWICK: They have to address only what's before this board, that's all we consider although we'll listen to their arguments but alls we're talking about is because you want to make your building 2 foot higher because seems like everything else is legal if you want to take the building at that height and stick it back as far as you want to and forget about the height and you lined up, you're allowed to do that, you're just looking for Planning Board approval and you'd not be before this board. So the only thing those people would have an argument for is why you can't have the 2 foot higher, that's all we're going to look at, that's all we can look at. There maybe several reasons they may not like the drainage, they may not like what you're going to do with the side yards. It's nothing



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we can address or take into consideration to what they address.

MR. ESPOSITO: Thank you very much.

MR. TANNER: I'll make a motion we set them up for a public hearing.

MR. TORLEY: I'll second it.

ROLL CALL

MR. TORLEY	AYE
MR. TANNER	AYE
MR. NUGENT	AYE
MR. FENWICK	AYE

Being that there was no further business to come before the board, a motion was made to adjourn the meeting by Mr. Torley, seconded by Mr. Tanner and approved by the Board.

Respectfully Submitted By:

  
Frances Roth  
Stenographer



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

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May 15, 1992

Seymour Borden  
294 Windsor Highway  
Route 32  
New Windsor, NY 12553

Re: Variance List 500 ft./35-1-54.1

Dear Mr. Borden:

According to our records, the attached list of property owners are within five hundred (500) ft. of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00. Please remit balance of \$20.00 to the Town Clerks's office.

Sincerely,

*L. Cook*

LESLIE COOK  
Sole Assessor

LC/cad  
Attachment  
cc: Pat Barnhart

Lander, Francis A. & Clara A.  
278 Windsor Highway  
New Windsor, NY 12553

T&H Realty, Inc.  
Route 32  
New Windsor, NY 12553

Notartomaso, Rose  
279 Windsor Highway  
New Windsor, NY 12553

Cavalari, Agnes E.  
RD #2, Bethlehem Rd.  
New Windsor, NY 12553

Primavera, Lucy  
287 Windsor Highway  
New Windsor, NY 12553

Meisels, Henry  
& Kaufman, Joseph  
8 Quickway Road  
Monroe, NY 10950

New Windsor Packing Corp.  
PO Box 4417  
New Windsor, NY 12553

Guerriero, Aniello & Maria  
306 Windsor Highway  
New Windsor, NY 12553

Antonio, Henrique  
& Hawley, Terrence G.  
& DeMarchis, Val  
310 Windsor Highway  
New Windsor, NY 12553

Roadway Express, Inc.  
Attn: State Tax Dept.  
1077 Gorge Blvd.  
Akron, OH 44309

Adams/CRR Corp.  
c/o Robert J. Adams  
1515 Arapahoe St., T-3 - 1100  
Denver, CO 80202

Leone & Sons, Inc.  
Mineral Springs Rd.  
Highland Mills, NY 10930

Amerco Real Estate Company, a Nevada Corporation  
2721 N. Central Avenue, Suite 700  
Phoenix, AZ 85004

Adams Robert & Carol-Sue  
1515 Arapahoe St..T-3 - 1100  
Denver, CO 80202

Harris, Richard C. & Debby A.  
3 Burning Brush Court  
Pomona, NY 10970

Isaacs, Bruce M.  
14 Lannis Avenue  
New Windsor, NY 12553

Budd, Morris & Janet  
16 Lannis Avenue  
New Windsor, NY 12553

Marino, Anne  
293 Windsor Highway  
New Windsor, NY 12553

Bakker, Leonard & Eleanor  
295 Windsor Highway  
New Windsor, NY 12553

Gorton, Thomas E. & Gladys Patricia  
297 Windsor Highway  
New Windsor, NY 12553

Hecht, Gerald S. & Helaine J.  
25 Ona Lane  
New Windsor, NY 12553

Herrmann, Julius A.  
& Kathleen Dunphy  
18 Lannis Avenue  
New Windsor, NY 12553

Bakker, Ruth E.  
20 Lannis Avenue  
New Windsor, NY 12553

McKeon, Frank & Alma  
301 Windsor Highway  
New Windsor, NY 12553

Pavignano, Robert  
Ridge Terrace  
Central Valley, NY 10917

Masloski, Joseph & Genevieve  
24 Lannis Avenue  
New Windsor, NY 12553

Trizinsky, Edward J. & Loretta T.  
309 Windsor Highway  
New Windsor, NY 12553

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK

-----x  
In the Matter of Application for Variance of

Seymour Borden/Carpet Mill Outlet,  
Applicant.

AFFIDAVIT OF  
SERVICE  
BY MAIL

# 92-16.  
-----x

STATE OF NEW YORK )  
                              ) SS.:  
COUNTY OF ORANGE )

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age  
and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On June 11, 1992., I compared the 27 addressed  
envelopes containing the attached Notice of Public Hearing with  
the certified list provided by the Assessor regarding the above  
application for variance and I find that the addressees are  
identical to the list received. I then mailed the envelopes in a  
U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
11<sup>th</sup> day of June, 1992.

Deborah Green  
Notary Public  
**DEBORAH GREEN**  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 1993

(TA DOCDISK#7-030586.AOS)

RD-32-13579

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 1st day of August, nineteen hundred and eighty-five,  
BETWEEN JOHN W. COAKLEY, residing at 18 Park Hill Drive, Town of New Windsor,  
Orange County, New York,

party of the first part, and SEYMOUR BORDEN and TERRI E. BORDEN, husband and wife,  
both residing at 84 Sycamore Drive, City of Middletown, Orange County, New York,

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, and more accurately bounded and described as follows:

**BEGINNING** at a point in the northwesterly line of N.Y.S. Route 32 which is the northeasterly corner of lands conveyed by Conrad F. Stenglein and Estelle Stenglein to Balmville Estates, Inc. by deed dated November 18, 1960 and recorded in the Office of the Clerk of Orange County on November 21, 1960 in Liber 1574 of Deeds at page 365; thence along the northwesterly line of Route 32 established by Notice of Appropriation filed by New York State Department of Public Works in the Office of the Clerk of Orange County on May 23, 1960 in Liber 1550 of Deeds at page 584 South 40° 46' 10" West 110.52 feet; thence through said lands of Balmville Estates, Inc. North 43° 36' 30" West 210.83 feet; thence North 46° 23' 30" East 110 feet; thence along the South line of lands of Conrad F. Stenglein South 43° 36' 30" East 200 feet to the point or place of beginning.

**BEING** the same premises described in a deed dated March 26, 1974 from C & F Company, Inc. to John W. Coakley recorded in the Orange County Clerk's Office on March 28, 1974 in Liber 1973 of Deeds at page 638.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

Sec. 35

Block 1

Lot 54.1

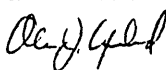
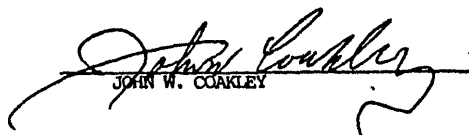
**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

JOHN W. COAKLEY

LIBER 2392 pg 234

STATE OF NEW YORK, COUNTY OF ORANGE SS:  
On the 1st day of August 1985, before me  
personally came

JOHN W. COAKLEY

to me known to be the individual described in and who  
executed the foregoing instrument, and acknowledged that  
he executed the same.

*[Signature]*  
Notary Public

ALAN J. AXELROD  
Notary Public, State of New York  
Orange County  
Commission Expires March 30, 1986

STATE OF NEW YORK, COUNTY OF SS:  
On the day of 19 , before me  
personally came  
to me known, who, being by me duly sworn, did depose and  
say that he resides at No.

that he is the  
of

, the corporation described  
in and which executed the foregoing instrument; that he  
knows the seal of said corporation; that the seal affixed  
to said instrument is such corporate seal; that it was so  
affixed by order of the board of directors of said corpora-  
tion, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF SS:  
On the day of 19 , before me  
personally came

to me known to be the individual described in and who  
executed the foregoing instrument, and acknowledged that  
executed the same.

STATE OF NEW YORK, COUNTY OF SS:  
On the day of 19 , before me  
personally came  
the subscribing witness to the foregoing instrument, with  
whom I am personally acquainted, who, being by me duly  
sworn, did depose and say that he resides at No.

that he knows

to be the individual  
described in and who executed the foregoing instrument;  
that he, said subscribing witness, was present and saw  
execute the same; and that he, said witness,  
at the same time subscribed his name as witness thereto.

### Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO.

JOHN W. COAKLEY

TO

SEYMOUR BORDEN & TERRI ESTELLE BORDEN

SECTION 35

BLOCK 1

LOT 54.1

COUNTY OR TOWN Town of New Windsor

Recorded at Request of  
CHICAGO TITLE INSURANCE COMPANY

Return by Mail to

Levitt & Levy  
22 West First Street  
Mount Vernon, NY 10550

Zip No.

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

CHICAGO TITLE  
INSURANCE COMPANY

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

STATE OF NEW YORK, (COUNTY OF ORANGE) SS:  
I, MARION S. MURPHY, County Clerk of the Supreme and County  
Courts, ORANGE COUNTY, DO HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH  
THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE ON August 2, 1985  
AND THE SAME IS A CORRECT TRANSCRIPT THEREOF.  
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL  
August 18, 1985  
Marion S. Murphy  
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS, ORANGE COUNTY

RECEIVED  
ORANGE COUNTY  
CLERK'S OFFICE  
86

Orange County  
Recorded  
in the  
Office of  
the County  
Clerk  
at  
Mount Vernon, NY  
on  
August 18, 1985  
at  
10:00 o'clock  
AM  
and Examined  
by  
M. S. Murphy

LIBER 2392 PG 235



american title insurance company  
northeast region

### CERTIFICATE OF TITLE INSURANCE

BLANKET POLICY NUMBER 167

BP - 24588

TITLE NUMBER RD-33-13599

AMOUNT OF INSURANCE \$ 170,000.00

AMERICAN TITLE INSURANCE COMPANY certifies to and insures  
FIRST FEDERAL SAVINGS & LOAN ASSOCIATION OF MIDDLETOWN

the title to premises situate in the Town of New Windsor  
County of Orange covered by the within report, and more particularly described in  
the following mortgage, has been examined and approved by it. The estate or interest of the insured in the said  
premises and covered under Blanket Policy Number 167 is as mortgagee. The  
mortgage or other means by which the estate or interest covered by such Blanket Policy Number 167  
is vested in the insured, is as follows:

Mortgage made by Seymour Borden + Terri E. Borden

to the insured to secure the payment of \$ 170,000.00 and interest,

dated 8-1-85

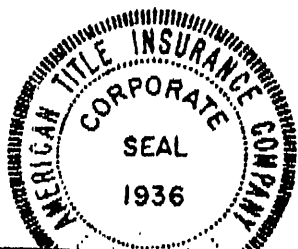
NOTE: The amount of liability under this policy is \$ 170,000.00 that being the amount advanced  
to date on account of the mortgage above mentioned. Dated 8-1-85

Said policy does not insure against such estates, interests, defects, objections to title, liens, charges and  
incumbrances affecting said premises, or the estate or interest insured, as are set forth on the exception sheet  
accompanying the title report of which this certificate is part, and which have not been marked "omit" or  
"disregard" and initialled by the person whose name has been signed hereunder as an authorized signature.

DATED: NEW YORK, NEW YORK

8-1-1985

AMERICAN TITLE INSURANCE COMPANY



By

Anthony R. Hastet

Senior Regional Vice President

[Signature]  
Authorized Signature

"EXHIBIT B"

Member of The Continental Insurance Companies

## SCHEDULE A

Date of Policy **8/2/85**Amount of Insurance \$ **187,500.00**TITLE NO. **RD-33-13599**  
POLICY NO. **353647**Name of Insured: **SEYMOUR BORDEN AND TERRI E. BORDEN**The estate or interest insured by this policy is **fee simple.**

vested in the insured by means of **Deed dated 8/1/85 made by John W. Coakley to Seymour Borden and Terri E. Borden and recorded in the Orange County Clerk's Office on 8/2/85 in Liber 2392 page 234.**

The premises in which the insured has the estate or interest covered by this policy

**See attached.**

Countersigned and Validated

BY \_\_\_\_\_  
AUTHORIZED REPRESENTATIVE  
**JAMES V. RINALDI**

N.Y.B.T.U. FORM 100E

AT. 601

BRANCH OR AGENTS COPY



## SCHEDULE "A"

## PARCEL 1

ALL that certain lot, piece or parcel of land situate in the Town of New Windsor, County of Orange, State of New York, and more accurately bounded and described as follows:

BEGINNING at a point in the northwesterly line of N. Y. S. Route 32 which is the northeasterly corner of lands conveyed by Conrad F. Stenglein and Estelle Stenglein to Balmville Estates, Inc. by deed dated November 18, 1960 and recorded in the Office of the Clerk of Orange County on November 21, 1960 in Liber 1574 of Deeds at page 365; thence along the northwesterly line of Route 32 established by Notice of Appropriation filed by New York State Department of Public Works in the Office of the Clerk of Orange County on May 23, 1960 in Liber 1530 of Deeds at page 584 South  $40^{\circ} 46' 10''$  West 110.52 feet; thence through said lands of Balmville Estates, Inc. North  $43^{\circ} 36' 30''$  West 210.83 feet; thence North  $46^{\circ} 23' 30''$  East 110 feet; thence along the South line of lands of Conrad F. Stenglein South  $43^{\circ} 36' 30''$  East 200 feet to the point or place of beginning.

## SCHEDULE B

TITLE NO. RD-33-13599  
POLICY NO. 353647

The following estates, interests, defects, objections to title, liens and incumbrances and other matters are excepted from the coverage of this policy:

1. Defects and incumbrances arising or becoming a lien after the date of this policy, except as herein provided.
2. Consequences of the exercise and enforcement or attempted enforcement of any governmental, war or police powers over the premises.
3. Any laws, regulations or ordinances (including, but not limited to zoning, building, and environmental protection) as to the use, occupancy, subdivision or improvement of the premises adopted or imposed by any governmental body, or the effect of any noncompliance with or any violation thereof.
4. Judgments against the insured or estates, interests, defects, objections, liens or incumbrances created, suffered, assumed or agreed to, by or with the privity of the insured.
5. Title to any property beyond the lines of the premises, or title to areas within or rights or easements in any abutting streets, roads, avenues, lanes, ways or waterways, or the right to maintain therein vaults, tunnels, ramps or any other structure or improvement, unless this policy specifically provides that such titles, rights, or easements are insured. Notwithstanding any provisions in this paragraph to the contrary, this policy, unless otherwise excepted, insures the ordinary rights of access and egress belonging to abutting owners.
6. Title to any personal property, whether the same be attached to or used in connection with said premises or otherwise.
7. Grant in Liber 1093 Cp. 131 and Liber 1483 Cp. 98.
8. Survey made by Peter Hustis L.S. dated 12/19/83 shows premises with location of 1-story concrete block building and macadam parking area. All within bounds. Personal inspection made by Hardenburgh Abstract Company on 7/20/85 shows gravel drive running to rear of premises. No variations shown.
9. Declaration of Condominium in Liber 2004 Cp. 657.
10. Subject to the mortgage dated 8/1/85 made by Seymour Borden and Terri E. Borden to First Federal Savings and Loan Association of Middletown, securing \$170,000.00 and recorded in the Orange County Clerk's Office on 8/2/85 in Liber 2067 page 1.
11. Subject to 1985/86 School Tax.
12. Rights, if any, in favor of any electric light or telephone company to maintain guy wires extending from said premises to poles located on the roads on which said premises abut, but policy will insure, however, that there are no such agreements of record in connection therewith except as may be shown herein.
13. Underground encroachments and easements, if any, including pipes and drains, and such rights as may exist for or upon said premises to maintain and repair the same, which do not appear of record.
14. The exact acreage of the premises herein will not be insured.
15. Rights or claims in favor of the premises herein are not insured.
16. Rights or claims in favor of the premises herein are not insured.

TAX SEARCH

TOWN OF NEW WINDSOR  
COUNTY OF ORANGE  
SCHOOL DISTRICT NO. 331100

1985 TAX ROLL

Assessed To: John Coakley

*Newburg  
School*

Account No.: 035

Bounded: Map 35 Block 1 Lot 54.1

Assessed Value: Land: \$22,000.00

Full: \$58,200.00

1984 State, County and Town Tax \$4,582.73 - OPEN.

1985 State, County and Town Tax \$2,632.82 - OPEN.

1984/85 School Tax \$2,170.76 - OPEN.

Total Amount Due July \$9,386.31.

*Need Avg 9,468.83*

*ck# 014702  
of 1st feed*

Subject to 1985/86 School Tax.

Subject to Sewer and Water owing, if any.

Policy will except all unpaid water rates and/or sewer  
rents or assessments in the absence of paid bills and  
receipts to be presented at closing.  
If the said premises are in an incorporated village,  
village tax receipt must be produced.  
Does not include assessments for any special district  
not a part of the state and county tax roll.

*84 Sec 10940  
Methn 10940*

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK

-----X  
In the Matter of Application for Variance of

Seymour Borden - Carpet Mill Outlet,

Applicant.

AFFIDAVIT OF  
SERVICE  
BY MAIL

#92-16.

-----X  
STATE OF NEW YORK )  
                              ) SS.:  
COUNTY OF ORANGE )

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On May 26, 1992, I compared the 27 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
26<sup>th</sup> day of May, 1992.

Deborah Green  
Notary Public  
DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 1993

(TA DOCDISK#7-030586.AOS)

ORANGE COUNTY DEPARTMENT OF PLANNING  
APPLICATION FOR MANDATORY COUNTY REVIEW  
OF LOCAL PLANNING ACTION

(Variances, Zone Changes, Special Permits, Subdivisions, Site Plans)

Local File No. 92-16.

1. Municipality Town of New Windsor Public Hearing Date 6/8/92.  
☐ City, Town or Village Board ☐ Planning Board ☒ Zoning Board

2. Owner: Name Borden, Seymour - Carpet Mill Outlet  
Address 294 Windsor Highway

3. Applicant\*: Name (Same)  
Address \_\_\_\_\_

\* If Applicant is owner, leave blank

4. Location of Site: (#2 above)  
(street or highway, plus nearest intersection)

Tax Map Identification: Section 35 Block 1 Lot 54.1

Present Zoning District C Size of Parcel 110' x 200'

5. Type of Review:

Special Permit: \_\_\_\_\_

Variance: ☒ Use \_\_\_\_\_

Area ☒ Height - Const. of addition

Zone Change: From \_\_\_\_\_ To \_\_\_\_\_

Zoning Amendment: To Section \_\_\_\_\_

Subdivision: Number of Lots/Units \_\_\_\_\_

Site Plan: Use \_\_\_\_\_

5/18/92  
Date

Patricia A. Bainhart, Secy.  
Signature and Title

*Pls. publish on or before 5/28/92. Send bill to Ap. at below address.*

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals  
of the TOWN OF NEW WINDSOR, New York will hold a  
Public Hearing pursuant to Section 48-34A of the  
Zoning Local Law on the following proposition:

Appeal No. 16.

Request of Seymour Border Corpel M. Outlet  
for a VARIANCE of

the regulations of the Zoning Local Law to  
permit Construction of addition

requiring 2<sup>nd</sup> height variance

being a VARIANCE of

Section 48-12 table of use/Bulk regulation  
Column I.  
for property situated as follows:

294 Windsor Hwy. Rt. 32

New Windsor New York 12553.

(35-1-54.1)

SAID HEARING will take place on the 8th day of

June, 1992, at the New Windsor Town Hall,

555 Union Avenue, New Windsor, N. Y. beginning at

7:30 o'clock P. M.

Richard Fenwick  
Chairman

By: Patricia A. Barnhart, Secy.

include all spaces not otherwise excluded above, such as principal rooms, utility rooms, bathrooms, all closets and porches opening directly into any room within the unit and all attic space having a clear height of six feet from finished floor level to the pitch of roof rafters or a clear height of seven (7) feet six (6) inches from finished floor level to ceiling level over fifty percent (50%) of the area of such attic space.

**FLOOR AREA RATIO** — The floor area in square feet of all buildings on a lot divided by the area of such lot in square feet.

**GARAGE, PRIVATE** — An enclosed space for the storage of one (1) or more motor vehicles, provided that no occupation or service is conducted for profit and no space therein for more than one (1) car is leased to a nonresident of the premises.

**GARAGE, REPAIR** — Any garage, other than a private garage, available to the public, operated for gain and which is used for the storage, repair, rental, greasing, washing, painting, adjusting or equipping of automobiles or other motor vehicles.

**MOBILE SERVICE STATION** — A building or other structure or a tract of land used or heretofore used exclusively for the servicing of motor vehicles. It shall be a retail place of business engaged primarily in the sale of motor fuels, and also in supplying goods and services generally required in the operation and maintenance of motor vehicles, including the sale of petroleum products; and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication of engines; and the performance of routine automotive maintenance and repairs.

**FINISHED GRADE** — The vertical distance measured from the finished elevation of the finished grade along the side of the structure fronting on the nearest street to the highest point of the structure, excluding a chimney.

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

# 92-16.

Date: 5/14/92

I. ✓ Applicant Information:

- Middletown  
NY.
- (a) Seymour Borden 84 Suramo Dr. 342-3091 same  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation.

III. ✓ Property Information:

- (a) C 294 Windsor Hwy 35154.1 110x200  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? N/A.
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1985
- (e) Has property been subdivided previously? NO When? \_\_\_\_\_
- (f) Has property been subject of variance or special permit previously? NO When? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: We presently have storage containers on the premises. The proposed addition would alleviate the need of these from the premises.

IV. Use Variance: N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_



- (b) <sup>4/18</sup> The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

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V. ✓ Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of 60-100 Regs., Col. I.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.	/	/
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt. <u>4"/Ft = 1.6 Ft.</u>	<u>116.67</u>	<u>15.07</u>
Min. Floor Area*		
Dev. Coverage*	%	%
Floor Area Ratio**		

\* Residential Districts only

\*\* Non-residential districts only

- (b) ✓ The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

Standard widths of carpet of 12 ft. wider render any ceiling less than 12 ft non functional and not practical. No other effort can be made to alleviate this problem other than a drastic tear out of the carpet or totally restructuring our stores basic warehousing methods, which are proven most common in the industry.

VI. Sign Variance: <sup>N/A</sup>

- (a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- N/A
- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

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- N/A
- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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VII. Interpretation: N/A.

- (a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

- (b) Describe in detail the proposal before the Board:

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VIII. ✓ Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

We will be putting in a sprinkler system. Parking area will be paved. Handicap parking and ramp will be available.  
Garbage containers will be screened, and lighting will be enhanced.

IX. ✓ Attachments required:

- ✓ Copy of letter of referral from Bldg./Zoning Inspector.  
✓ Copy of tax map showing adjacent properties.  
N/A Copy of contract of sale, lease or franchise agreement.  
✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.  
N/A Copy(ies) of sign(s) with dimensions.  
✓ Check in the amount of \$ 150.00 ~~250.00~~ payable to TOWN OF NEW WINDSOR.  
✓ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 5/14/92

STATE OF NEW YORK )  
COUNTY OF ORANGE ) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

JOSEPH M. COCCHIARINI  
Notary Public, State of New York  
No. 03-4544544  
Qualified in Orange County  
Commission Expires 1-31-94

X [Signature]  
(Applicant)

Sworn to before me this

14 day of May, 1992. Joseph M. Cocchiari

XI. ZBA Action:

- (a) Public Hearing date \_\_\_\_\_.
- (b) Variance is \_\_\_\_\_.
- Special Permit is \_\_\_\_\_.
- (c) Conditions and safeguards: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY  
RESOLUTION OF ZONING BOARD OF APPEALS.

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 92-19

DATE: 16 MAY 1992

APPLICANT: Borden, Seymour (Carpet Mill Outlet) - owner  
294 Windsor Hwy.  
New Windsor, N.Y.

Prelim:  
May 11th  
4:30 pm.  
92-16

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED April 16, 1992

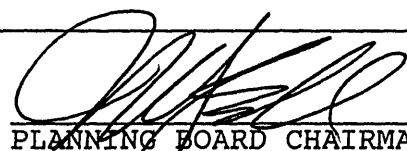
FOR (~~SUBDIVISION~~ - SITE PLAN) \_\_\_\_\_

LOCATED AT N.Y.S. Route 32 (Windsor Hwy.)

\_\_\_\_\_ ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 35 BLOCK: 1 LOT: 54.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS: PROPOSED ADDITION  
WILL HAVE GREATER HEIGHT THAN EXISTING BUILDING,  
THEREFORE, BLDG. HT. VARIANCE REQUIRED.

 For  
PLANNING BOARD CHAIRMAN

\*\*\*\*\*

REQUIREMENTS		PROPOSED OR AVAILABLE	VARIANCE REQUEST	
ZONE	<u>C</u>	USE <u>A-1</u>		
MIN. LOT AREA	<u>40,000 SF</u>	<u>22,550</u>	<u>*</u>	* EXISTING NON-CONFORM.
MIN. LOT WIDTH	<u>200 FT</u>	<u>110.52</u>	<u>*</u>	
REQ'D FRONT YD	<u>60 FT</u>	<u>47.8</u>	<u>*</u>	
REQ'D SIDE YD.	<u>30 FT</u>	<u>4.8</u>	<u>*</u>	
REQ'D TOTAL SIDE YD.	<u>70 FT</u>	<u>29.5</u>	<u>*</u>	** EXISTING

RECEIVED 11: Dorden, Seymour (Carpet Mill Outlet) - owner

72-70

294 Windsor Hwy.

New Windsor, N.Y.

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED April 16, 1992

FOR (SUBDIVISION - SITE PLAN)

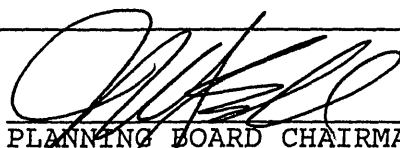
LOCATED AT N.Y.S. Route 32 (Windsor Hwy.)

ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 35 BLOCK: 1 LOT: 54.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS: PROPOSED ADDITION

WILL HAVE GREATER HEIGHT THAN EXISTING BUILDING,  
THEREFORE, BLDG. HT. VARIANCE REQUIRED.

  
PLANNING BOARD CHAIRMAN

\*\*\*\*\*

REQUIREMENTS		PROPOSED OR AVAILABLE	VARIANCE REQUEST	
ZONE	C	USE	A-1	
MIN. LOT AREA	40,000 SF	22,550	*	* EXISTING NON-CONFORM.
MIN. LOT WIDTH	200 FT	110.52	*	
REQ'D FRONT YD	60 FT	47.8	*	
REQ'D SIDE YD.	30 FT	4.8	*	
REQ'D TOTAL SIDE YD.	70 FT	29.5	*	** EXISTING BUILDING IS APPROXIMATELY 14'-8" IN HEIGHT.
REQ'D REAR YD.	30 FT	34	—	
REQ'D FRONTAGE	N/A	N/A	—	
MAX. BLDG. HT.	4' FT = 1.6 FT	16.67	15.07 **	
FLOOR AREA RATIO	.5	.426	—	
MIN. LIVABLE AREA	N/A	—	—	
DEV. COVERAGE	N/A %	— %	— %	
O/S PARKING SPACES	13	13	0	

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:  
(914-565-8550) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD  
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

April 22, 1992

18

CARPET MILL OUTLET SITE PLAN (92-19)

Mr. Esposito came before the Board representing this proposal.

MR. PETRO: You're here for conceptual approval and you want to go to the Zoning Board?

MR. ESPOSITO: Basically, yes.

MR. PETRO: We have water approved and fire is approved. Proceed.

MR. ESPOSITO: Basically what we have is we're trying to extend the warehouse part of it of the building using 50 by 80 as our new addition. I believe everything we meet code in almost everything except for existing height we're looking for a two foot height difference in the, in your part up to 16.

MR. PETRO: Mark, once this comes back to us, with the additional warehouse there what about parking, is it going to be enough parking?

MR. EDSALL: Yes, we at point I believe the parking has been resolved. We worked with the applicant at the workshop and this is probably the third version of the parking so it's been worked on and I anticipate I don't see any problem. Any problems that develop from here on I believe that we can solve those. I think the major problem of providing necessary space and fitting them on the site appear to have been solved. But the only encroachment which currently exists and the applicant is proposing to continue to exist would be the three spaces encroaching on to the right-of-way of Route 32 and it's existing so as long as the State takes no objection to the continued encroachment, I don't see a problem.

MR. PETRO: Motion from somebody.

MR. SCHIEFER: Let me ask a question, is that 5.3 feet side yard acceptable? It's existing so that's not the issue but isn't that--

MR. BABCOCK: You have setback from the New Windsor Packing property, see the distance?

MR. EDSALL: That setback being so small causes the

April 22, 1992

19

need for the height variance as well because that eliminated any access on that side that was one of the reasons why the parking on the north side was revised so that Bob Rogers felt comfortable with having a full lane access to the north side. Originally the right or the north side was obstructed by parking so that's one of the improvements that we worked out in the work session.

MR. VAN LEEUWEN: There's one thing that I have to complain about you know the Town is in the process of cleaning up the signs in this Town and you have a yellow truck that always sits out there. Anything we can do about it?

MR. ESPOSITO: We'll move it. We'll make sure it's not there.

MR. VAN LEEUWEN: If you are willing to do that and give us a letter to that effect.

MR. ESPOSITO: It can be put behind back.

MR. VAN LEEUWEN: Couple Town Board members have mentioned it to me. I make a motion we approve it.

MR. SCHIEFER: I'll second it.

#### ROLL CALL

MR. VAN LEEUWEN	NO
MR. LANDER	NO
MR. SCHIEFER	NO
MR. LANDER	NO
MR. PETRO	NO



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

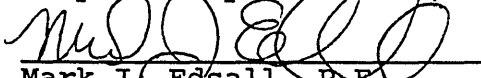
- ☐ Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ Branch Office  
400 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS

PROJECT NAME: CARPET MILL OUTLET SITE PLAN  
PROJECT LOCATION: NYS ROUTE 32  
PROJECT NUMBER: 92-19  
DATE: 22 APRIL 1992  
DESCRIPTION: THE APPLICATION INVOLVES AN ADDITION TO THE  
EXISTING BUILDING/USE ON THE PROPERTY. THE PLAN  
WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. The use is a Use By Right for the "C" Zoning District. Due to the addition as proposed, at least an area variance for building height will be required.
2. The Board may wish to review the site plan layout with the Applicant, prior to making the referral to the Zoning Board of Appeals.
3. Upon return from the ZBA with the necessary variance(s), the engineering review of the site plan will be continued.

Respectfully submitted,

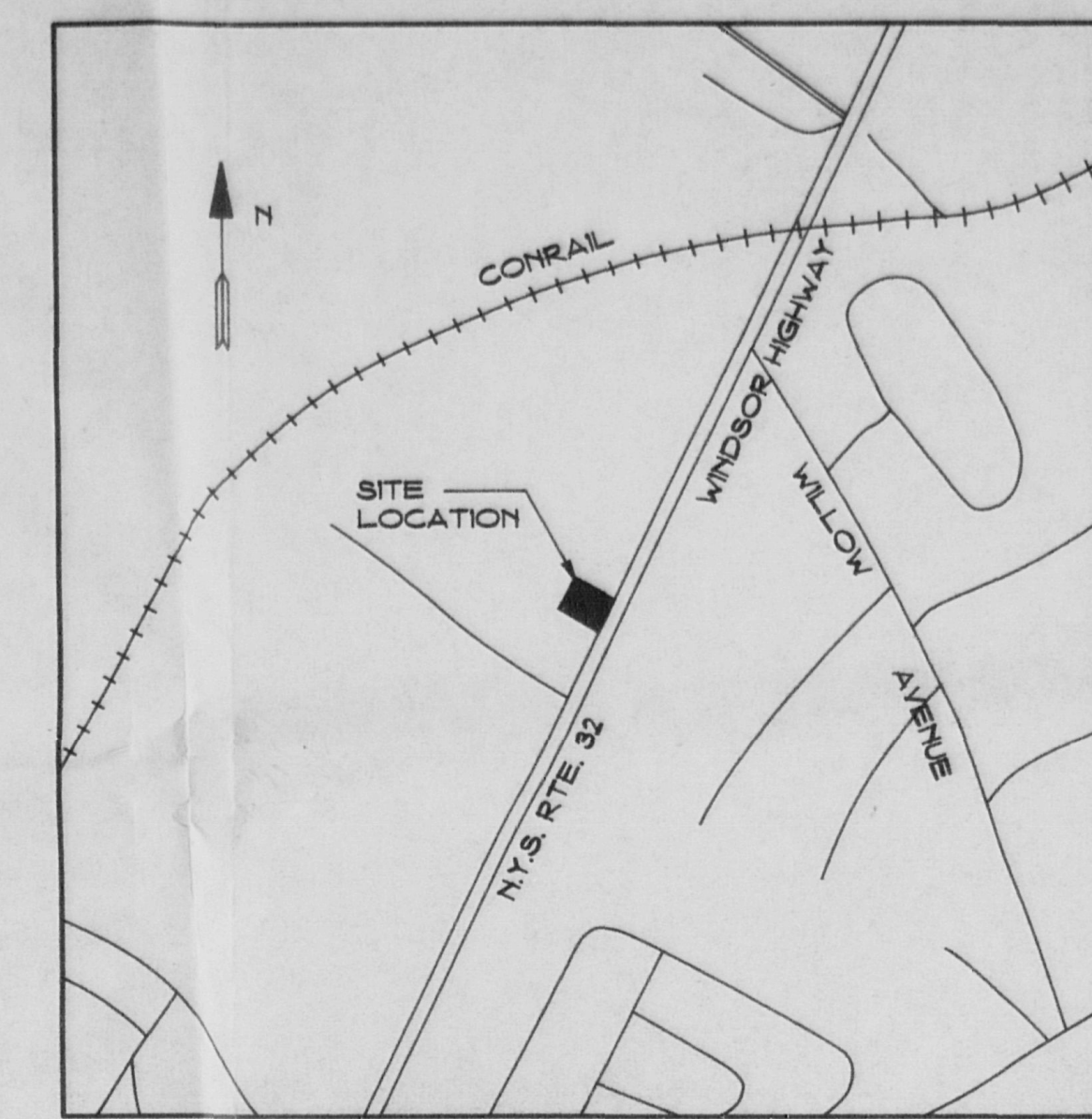
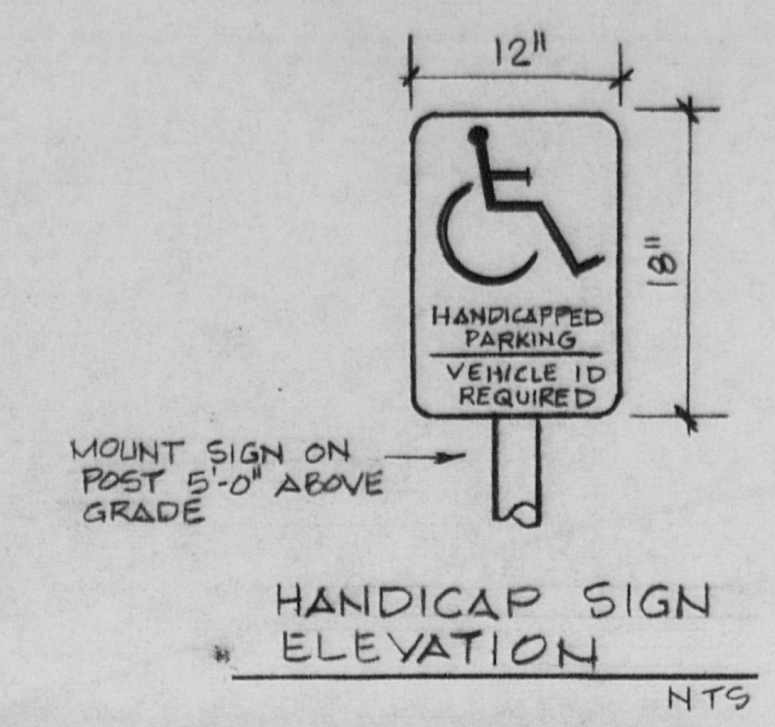
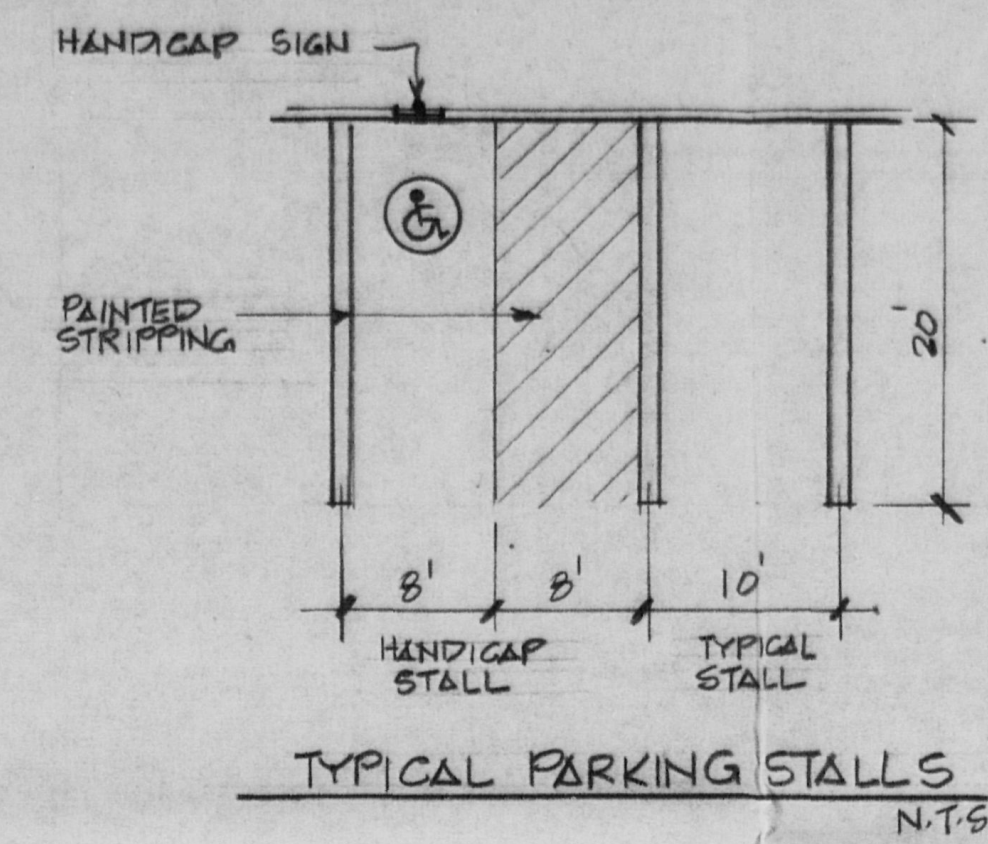
  
Mark J. Edsall, P.E.  
Planning Board Engineer

MJEmk

A: CARPET.mk



DATE	REVISION
4-2-92	SURVEY REVISIONS
4-14-92	WORK SESSION REVISIONS



LOCATION MAP

ZONING DISTRICT 'C'  
(EXISTING A-1)

DESCRIPTION	REQUIRED	SHOWN
LOT AREA	40,000 SQ. FT.	22,550 SQ. FT. *
LOT WIDTH	200'	110.52' *
FRONT YARD	60'	47.8' *
SIDE YARD	30'	4.8' *
BOTH SIDES	70'	29.5' *
REAR	30'	34'
MAX. BLDG. HT.	4' / FT. TO P.L.F. 1.6'	16'-5" A.E.F. **
FLOOR AREA RATIO	50 %	42.6 %
DEVELOPMENT COVERAGE	N/A	—
REQUIRED STREET FRONTAGE	N/A	—

\* = PRE-EXISTING CONDITIONS  
\*\* = ZONING VARIANCE REQUIRED  
A.E.F. = ABOVE FINISHED FLOOR

PARKING CALCULATIONS

	MIN. REQUIRED	SPACES SHOWN
RETAIL PARKING	3.2	4
WAREHOUSE PARKING	9.4	9
TOTAL PARKING	12.6	13

APPLICANT & OWNER

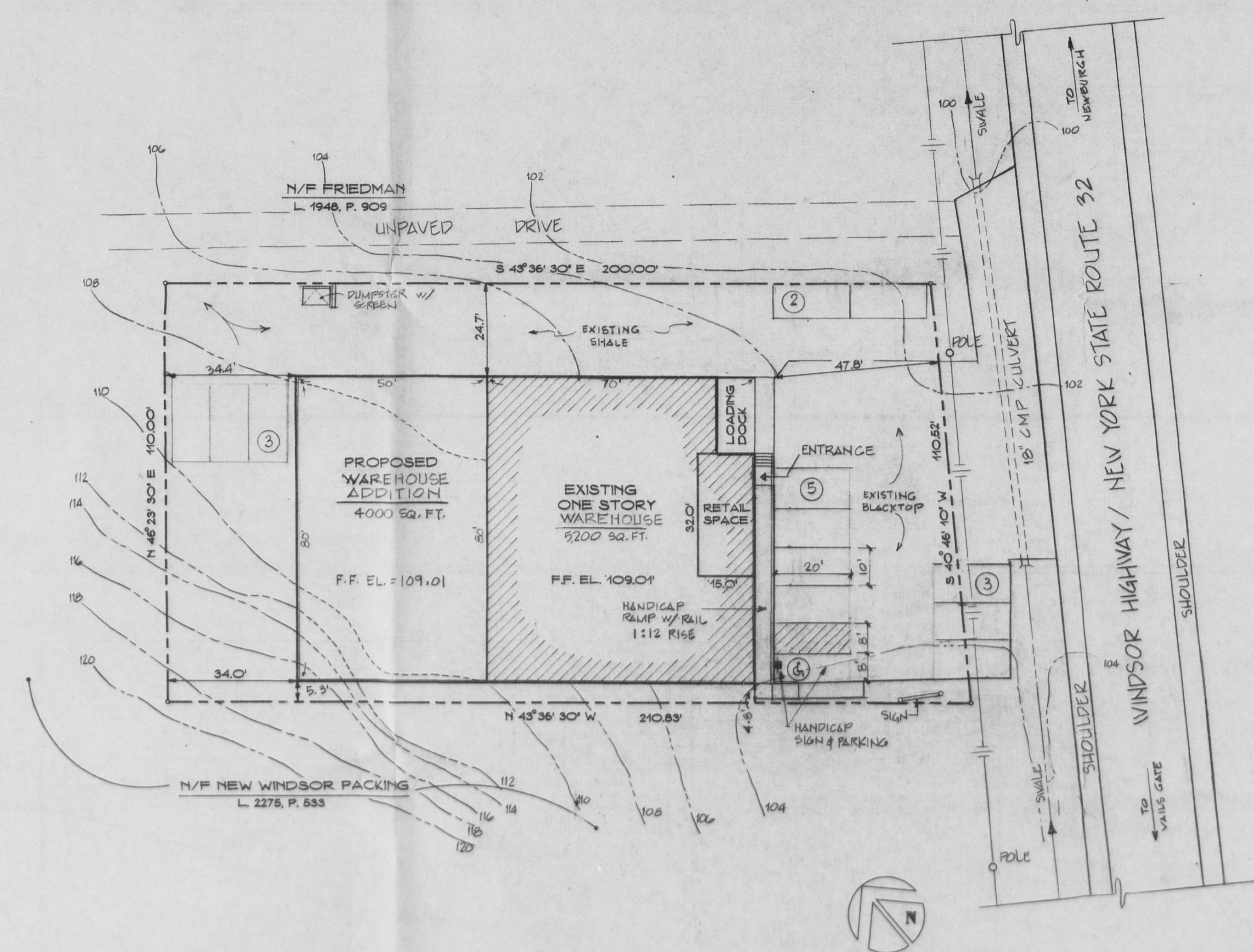
SEYMOUR BORDEN  
84 SYCAMORE DRIVE  
MIDDLETOWN, NEW YORK

DEED REFERENCE

LIBER 2392, PAGE 234

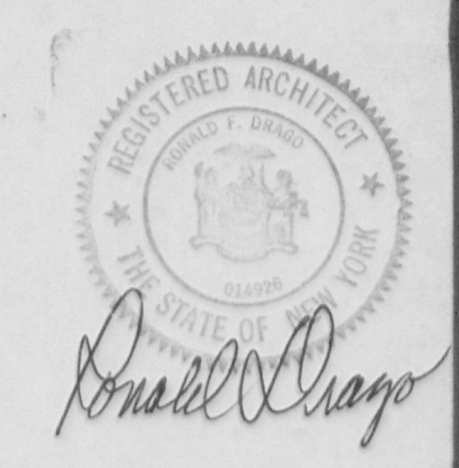
TAX MAP DATA

SECTION : 35  
BLOCK : 1  
LOT : 54.1



SITE PLAN

ALL SITE INFORMATION TAKEN FROM SITE PLAN PREPARED BY PATRICK T. KENNEDY, LICENSED LAND SURVEYOR, DATED JUNE 12, 1989 AND REVISED MARCH 30, 1992.



APPROVAL

**RONALD F. DRAGO**  
ARCHITECT / PLANNER

201 WARD STREET  
SUITE J  
MONTGOMERY, NY 12549

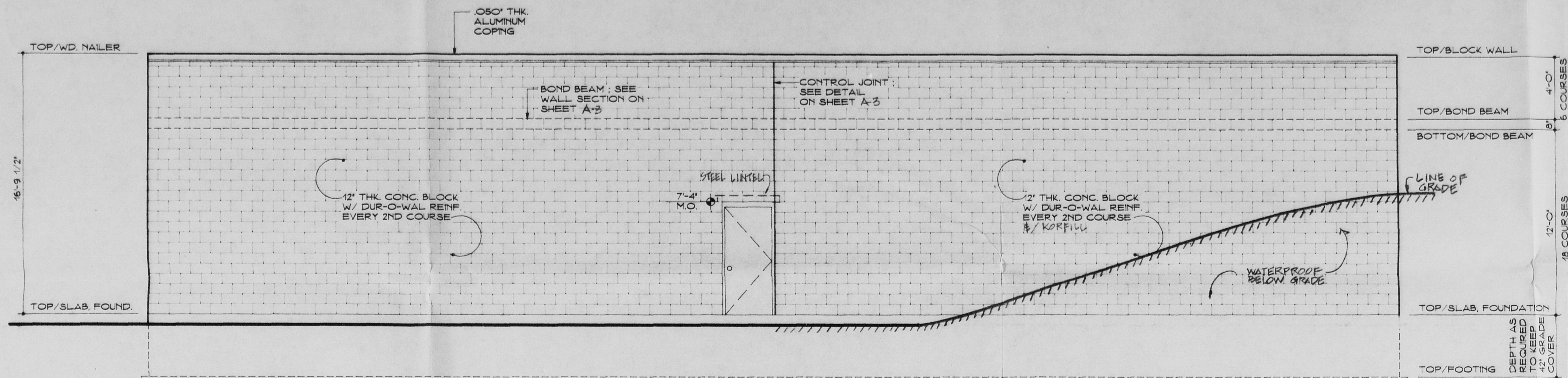
NEW ADDITION TO  
THE CARPET MILL OUTLET  
ROUTE 32 NEW WINDSOR, N.Y.

**SITE PLAN**

SHEET NO. 5-1 OF 1

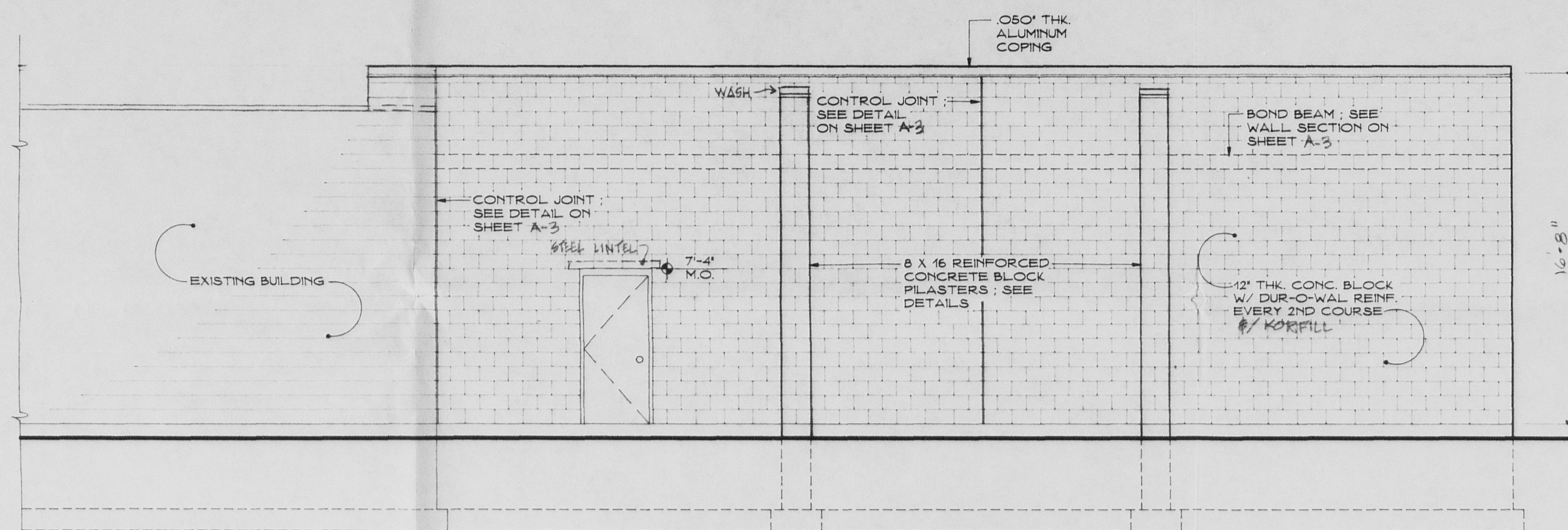
DATE: MAR. 10, 92  
SCALE: NOTED  
DRAWN BY: J.C.





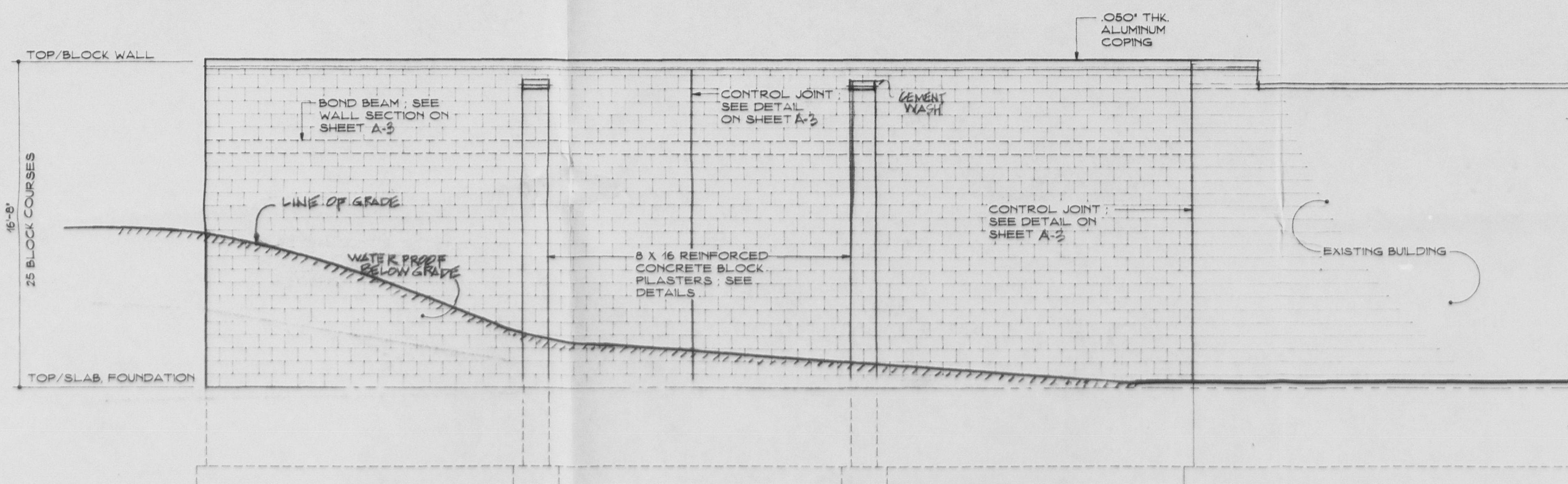
REAR ELEVATION

SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION

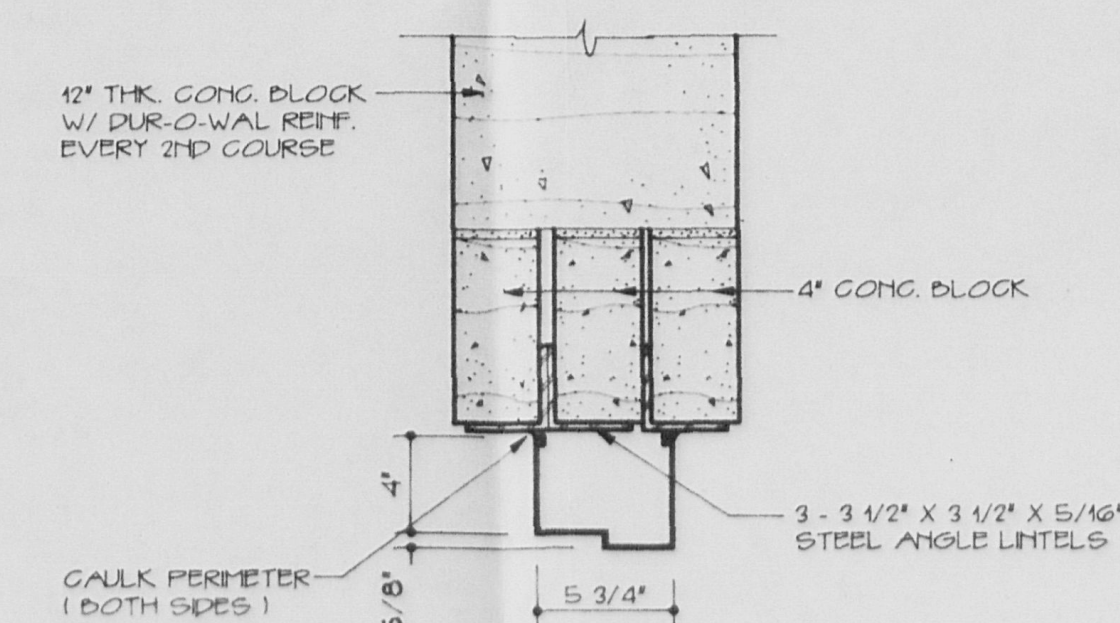
SCALE: 1/4" = 1'-0"

### DOORS

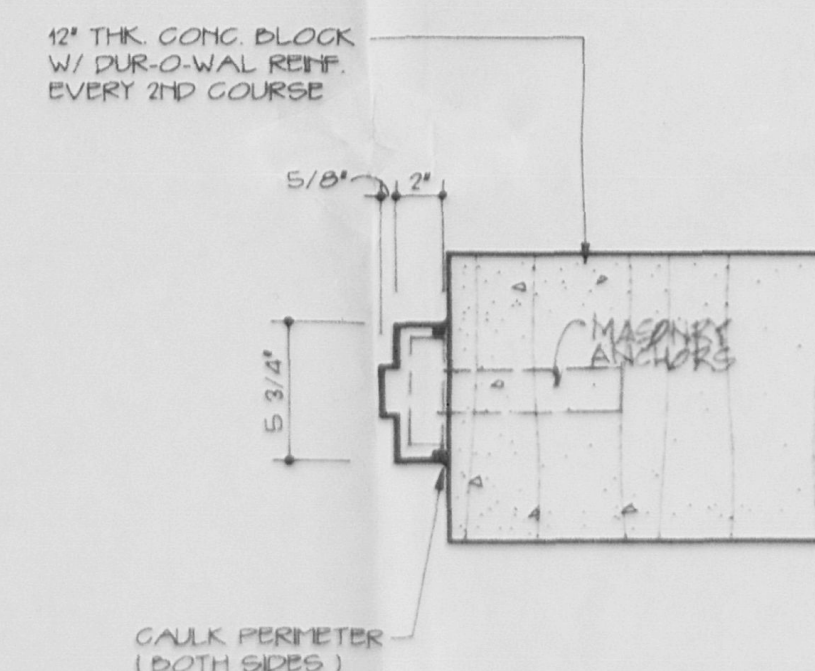
BOTH DOORS ARE TO BE 3'-0" WIDE X 7'-0" HIGH X 1 1/4" THICK HOLLOW METAL INSULATED DOORS WITH METAL FRAMES AS PER DETAILS BELOW. HARDWARE SHALL INCLUDE:

- 1 1/2 PR. BUTTS 4 1/2 X 4 1/2 F88 179 NRP STANLEY OR EQUAL US26D
- 1 - RIM STYLE PANIC EXIT DEVICE (KEY LOCKS & UNLOCKS), OUTSIDE KNOB / INSIDE ALWAYS FREE (RUSSWIN # 377)
- 1 - SURFACE MOUNT OVERHEAD CLOSER RUSSWIN 2820 US26D
- 1 - ALUMINUM THRESHOLD ZERO # 564
- 1 - JAMB & HEAD WEATHERSEAL KIT ZERO # 485

DOORS & FRAMES TO BE FINISHED WITH ONE COAT OF SHOP PRIMER BY OTHERS OR LEAD PRIMED AND TWO COATS OF ALL-WEATHER SEMI-GLOSS ENAMEL



DOOR HEAD DETAIL



DOOR JAMB DETAIL

DOOR DETAILS

SCALE 1/2" = 1'-0"

**RONALD F. DRAGO**  
ARCHITECT / PLANNER  
201 WARD STREET  
MONTGOMERY, N.Y. 12549

NEW ADDITION TO  
**THE CARPET MILL OUTLET**  
ROUTE 32 NEW WINDSOR, N.Y.  
JOB 92-440  
DATE MAR. 10 92  
SCALE NOTED  
DRAWN BY J.G.  
**ELEVATIONS & DOOR DETAILS**

SHEET NO. **A-5**  
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